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REMARKS

In the Office Action dated September 8, 2004, pending Claims 1-10 were rejected and the rejection made final. In response Applicants have filed herewith a Request for Continued Examination.

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. On August 26, 2004, Applicants' counsel and one of the inventors, Kannan Srinivasan, conducted a telephone interview with the Examiner in which the present application and the Glorkian reference were discussed. While it was agreed the Glorkian reference does not disclose filtering of information made available to an individual, no agreement was reached with respect to the claims of the present application.

All pending claims stand rejected under 35 USC 102(e) as being anticipated by Glorkian. Claims 1, 5, and 7 are independent claims; the other claims are dependent claims. Applicants have rewritten Claims 1, 5 and 7. Applicants intend no narrowing of the claims by the changes made by this Amendment; it should also be noted these amendments are not in acquiescence of the Office's position on allowability of the claims, but merely to expedite prosecution. Reconsideration and withdrawal of the present rejections are hereby respectfully requested.

The present invention broadly contemplates, in accordance with at least one presently preferred embodiment, communicating inferred information to a wireless communication device user. (Page 24, lines 2-3) Thus, the present invention offers the

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feature of providing a wireless communication device user with information pertinent to the current position of the user, information pertinent to the time of day at the location of the location of the user, and information pertinent to (one or more) preferences of that user. (Page 4, lines 11-17; Page 13, lines 10-13) Preferences may be established by, for example, a user providing preference information or by tracking user selections over time to determine preference through historical trends. (Page 13, lines 13-15) Inferences in accordance with the present invention may also be made on information actively used by others in the local area and/or information acted upon by others at a time proximate to the current time. (Page 13, lines 20-22) For example, if there is an accident, drivers in the local area may be providing information about alternate routes. Inferring a hidden surge in demand, the alternative route information may be automatically pushed, or provided to, any customer who is approaching the local area. (page 13, lines 22-26) Thus, the present invention assists a wireless communication device user in obtaining information of interest to the user.

The prior remarks about Glorikian are equally applicable here. As best understood, Glorikian is directed to "providing information to ... clients based on the [tracked geographical location of clients]" (Col. 1, lines 10-11), or in other words, "a system for delivering position-related information from a data repository to a user". (Col. 2, lines 8-10) When information is pushed to the user in Glorikian, "[i]t is left up to the [user] to determine the access." (Col. 10, line 53-54) As explained with respect to the information provided about restaurants, "at lunch time, or when hunger strikes, the [user] may simply access the cache and peruse a short list of local lunch establishments." (Col.

10, lines 54-57) While Glorkian may indiscriminately communicate information potentially of interest to a user of a wireless communication device, there simply is no teaching or suggestion of communicating inferred information as in the present invention.

As amended, Independent Claims 1 and 5 recite **determining information potentially of interest** to the user, **inferring a likely interest** of the user in the information; and **transmitting data related to the inferred interest** to the wireless device. Claim 7 recites reviewing said location-based information in consideration of said approximate **location to determine information which is potentially of interest to said user** and **using an optionally determined need** to generate a recommendation of said information to be transmitted to said user. At a minimum, Glorkian lacks these features, as there is no disclosure in Glorkian of filtering the information presented to a user by “inferring a likely interest” or “using an optionally determined need”.

The lack of these features in Glorkian is illustrated by the discussion in Glorkian and the application of the scenario relating to restaurants. In Glorkian, a user of the device may “access the cache and peruse a short list of local lunch establishments.” (Col. 10, lines 55-57) There is, however, no teaching that the list of establishments provided is determined on anything other than geographical information, i.e., the user is in the vicinity of the establishment. (See Col. 10, lines 43-46: “The traveler visiting Colonial Williamsburg may be presented with ... restaurants, and the like, in the immediate vicinity of Colonial Williamsburg.”) This contrasts with the present invention in which information provided is based on an **inferred interest** or **optionally determined need**. (See Page 19, lines 3-8; “Where a user repeatedly selects restaurants offering French and

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Chinese food, the present invention may learn that those foods are preferred and provide, for example, restaurant listings for all restaurants ... offering Chinese and French food within a mile of the location of the wireless communication device".)

It is thus respectfully submitted that Glorkian clearly falls short of present invention, as defined by the independent claims. Accordingly, Applicants respectfully submit that the applied art does not anticipate the present invention because, at the very least, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under construction." *W.L. Gore & Associates, Inc. v. Garlock*, 721 F.2d 1540, 1554 (Fed. Cir. 1983); *see also In re Marshall*, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978).

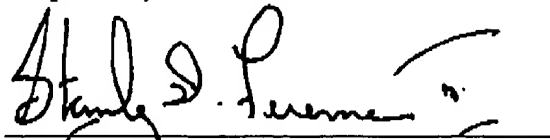
In view of the foregoing, it is respectfully submitted that Claims 1, 5, 7 fully distinguish over the applied art and are thus in condition for allowance. By virtue of dependence from what are believed to be allowable independent Claims 1, 5, and 7, it is respectfully submitted that Claims 2-4, 6 and 8-10 are also presently allowable.

In summary, it is respectfully submitted that the instant application, including Claims 1-20, are presently in condition for allowance. Notice to the effect is hereby earnestly solicited.

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Applicants' undersigned attorney would welcomes further discussion with the
Office in the event there are any further issues in this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stanley D. Ference III", written over a horizontal line.

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